REMARKS

Referring first to the rejections based on 35 U. S. C. § 112 first paragraph, the rejections are believed to be overcome by the amendment to claim 20 wherein, following the Examiner's suggestion, the claims now require a pore size in the range of 0.5 μm to 5 μm. Claim 21 has been cancelled as redundant to amended claim 20. Claim 24 has been added to specify the substantial uniform diameter of the pores as having a maximum pore size difference of 20%; for support , see page 30, line 12 of the specification. Applicant has used the format suggested in the recent "Pre-OG Notice".

The rejection of the claims as unpatentable, under 35 U. S. C. § 103(a), is respectfully traversed. As Applicants previously stated, Klopries et al. do not discuss uniformity of pore structure. The Examiner rebuts this observation with two contentions but, respectfully, neither of which is proper. The Examiner's first contention is that Klopries et al. patent "does not teach that it does not have a uniform pore structure." Therefore, the Examiner appears to be imputing a teaching to Klopries et al. based on what it does not teach. This amounts to art citation by negative implication where what is being implied results solely from knowledge of applicants' specification, i.e., by hindsight, and is therefore improper.

The Examiner's second contention is that because the silver particles in Klopries et al. "are uniformly distributed on the surface of the porous support, it would appear to follow that the pores they enter would also be uniform to provide a uniform surface of silver." Respectfully, such does not at all follow. The silver particles are on the surface of the material, whether in pores or not, their distribution being independent of distribution of pores. There is nothing in the Klopries et al. patent which refers to the uniformity of the diameter of the pores.

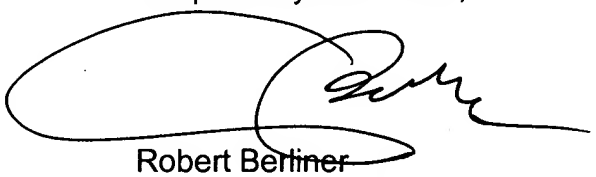
Van T. Teen, et al., patent No. 4,981,590, is cited for teaching a macroporous ceramic support with a microporous layer. The reference actually supports the novelty of a ceramic having uniformly dispersed macropores of uniform diameter. Thus the reference describes macroporous ceramic materials (suitable as a micro filtration support) as normally exhibiting structural irregularities which prevent the formation of a

uniform high performance microfilter (column 1, lines 29-33). Its description, for example in its claim1, and also in its drawings, of a porous support having pore sizes between 0.1 μm and 50 μm, leads away from Applicants' claimed structure of a macroporous ceramic having pores in the range of 0.5 μm to 5 μm of substantially uniform diameter uniformly dispersed therein.

The Hungarian and Russian abstracts refer to ceramics having very high pore sizes. The Hungarian abstract refers to 50-300 micrometers. The Russian abstract appears to refer to "few tens of .mu." which also would appear to be a reference to micrometers. There is no suggestion of the claimed structure.

Applicants believe the claims are in condition for allowance and respectfully solicit a Notice of Allowance. In the event all of the claims are not allowed, the Examiner is requested to enter the amendments as placing the application in better condition for appeal. A Notice of Appeal is submitted herewith.

Respectfully submitted,



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